



# LEGISLATIVE BRANCH ▪ CITY OF BINGHAMTON

Teri Rennia, City Council President  
Angela Holmes, City Clerk

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## MINUTES

### Binghamton City Council & Village of Johnson City Board of Trustees Joint Work Session Binghamton City Hall, 38 Hawley Street, Binghamton, NY Tuesday April 8, 2014

**Call to Order.** A Joint Work Session composed of the Village of Johnson City Board of Trustees, the Village of Johnson City Mayor, the City of Binghamton Mayor and the Council of the City of Binghamton was called to order at 5:07pm. Meeting hosted by the City of Binghamton.

**Present:** Bill Berg, Councilman; Richard C. David, City of Binghamton Mayor; Greg Deemie, Village of Johnson City Mayor; Diane Marusich, Trustee; Joseph Mihalko, Councilman; Jerry Motsavage, Councilman; Chris Papastrat, Councilman; Lea Webb, Councilwoman (arrived at 5:10pm)

**Absent:** Richard Balles, Trustee; Bruce King, Trustee; Luke Slota, Trustee; John Matzo, Councilman; Teri Rennia, Council President

**Also Present:** Edward Crumb, Binghamton-Johnson City Joint Sewage Board (BJCJSB) Member (arrived at 5:11pm); Shane Guilford, Binghamton-Johnson City Joint Sewage Treatment Plant (BJCJSTP) Business Manager; Angela Holmes, City Clerk; Gary Holmes, City of Binghamton Commissioner of Public Works; Eugene Hulbert, BJCJSB Member; Gerald Kennicutt, City of Binghamton Deputy Comptroller; George Kolba, BJCJSB Member; Philip T. Krey, City Engineer; Charles Pearsall, City of Binghamton Comptroller/BJCJSB Fiscal Officer; Pauline Penrose, City of Binghamton Treasurer; Dara Silberstein; Allison Sosa, City of Binghamton 1<sup>st</sup> Assistant Corporation Counsel

## ITEMS CONSIDERED

**Master Intermunicipal Agreement (IMA).** Binghamton City Council received comments from Mr. Crumb regarding the Master IMA on December 18, 2013, the night the legislation was adopted. City Council agreed to review the comments and incorporate additional amendments at a later date. The Village of Johnson City reviewed the comments and agreed to postpone the adoption of the Master IMA until the comments could be reviewed. Both Owners agreed to meet at a later date for a joint review of the recommendations.

**Outside User Representative.** Mr. Deemie and Mr. David stated that they were both contacted by outside users interested in having non-voting representation on the BJCJSB. Mr. Crumb noted for the record that the existing BJCJSTP Intermunicipal Agreements allow outside users to nominate liaisons for their respective municipalities. The Owners agreed to maintain the current structure of the BJCJSB, and that continued efforts should be made to keep outside users informed of meeting dates and times.

**Clerk of the Works (COW).** Mr. Deemie stated that there was confusion as to which body is responsible for the hiring and oversight of the Clerk of the Works position. Section 16 of the Master IMA was read into the record, stating in part, "The Board shall have supervisory authority over the project; however, the Owners shall have the sole authority to appoint and terminate the Clerk of the Works. . .". Mr. Kolba stated that he petitioned both Owners, and received permission for the BJCJSB to hire the COW for the Digester Project. To date, the BJCJSB has advertised for the position, and received five (5) applications. No further action was taken after receipt of an email from Jeffrey Jacobs, Village of Johnson City Attorney, dated February 25, 2014, stating that the BJCJSB should advise any persons or firms responding to the request for qualifications that no contract can be executed or work performed without approval from the



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Owners. Mr. Motsavage stated that there are two separate projects which require two COW positions: the Digester Project and the project to repair the collapsed C-Cell complex and flood-related damages requiring the City of Binghamton to act as Lead Agency ("the Large Project"). The intent was that the BJCJSB would hire a COW for the Digester Project. If the Owners did not want to use the same COW for the Large Project, then the Owners would advertise for the position. Mr. Hulbert stated that two individuals and three firms applied for the position. One firm was denied as they represent the Owners and BJCJSB as a witness in current litigation. The design for the Digester Project has continued while the BJCJSB waits for direction from the Owners concerning the COW position. Mr. Hulbert stated that the BJCJSB amended the qualifications for the advertised COW position to clarify that the hired individual/firm would answer directly to Catherine Young, the BJCJSTP Supervisor. In addition, the qualifications now state that either an Engineering degree or ten years of experience would be acceptable. Mr. Holmes stated that the City decided not to hire a COW for the Large Project. Instead, a project construction manager would be selected from either the Engineering Department or the Department of Public Works. Several officials from the Village of Johnson City Board of Trustees and Binghamton City Council opposed this action. Mr. David stated that he's not prepared to make a commitment either way. Mr. Deemie stated that the Large Project needs to be discussed at a later time, but that the Owners need to make a decision concerning the COW for the Digester Project.

**Future Actions.** The Owners collectively agreed that the BJCJSB should continue to interview the applicants for the Digester Project COW position, and should present the two best candidates to the Owners for final selection. Mr. King and Mr. Motsavage were nominated to represent the Owners during the interviews. Mr. Hulbert will send the COW's scope of work and contract to the Owners for review.

**Adjournment.** Officials from both municipalities collectively agreed to adjourn at 5:55pm. No objections received.